

REMARKS

In the Office Action mailed June 6, 2007, the Examiner rejected claims 71-76, 79-87, and 90-96 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,324,524 ("*Lent*") and the article "New CD Secures Credit Card" in Bank Rate Monitor ("*Bank Rate Monitor*"), and rejected claims 77, 78, 88, and 89 under 35 U.S.C. § 103(a) over *Lent*, *Bank Rate Monitor*, and "Flexible Friends Cut Their Costs" by Robert Winnett ("*Winnett*").

By this Amendment, Applicants propose amending claims 71, 78, 82, 89, 93, and 95, canceling claims 77 and 88 without disclaimer or prejudice to the subject matter contained therein, and adding new claims 97-100. Claims 71-76, 78-87, and 89-100 are pending.

CLAIMS 71-76, 78-87, AND 89-96

Applicants respectfully request withdrawal of the rejection of claims 71-76, 79-87, and 90-96 under 35 U.S.C. § 103(a) over *Lent* and *Bank Rate Monitor* and withdrawal of the rejection of claims 78 and 89 under 35 U.S.C. § 103(a) over *Lent*, *Bank Rate Monitor*, and *Winnett* because the cited references fail to teach or suggest, separately or in combination, every element in the claims. By way of example, for proposed claim 71, *Lent* and *Bank Rate Monitor* fail to teach or suggest, separately or in combination, at least "generating a set of offers for a credit card account and a non-credit card account, each offer including a characteristic of the credit card account, each offer also including an interest rate or a time period associated with the non-credit card account, wherein either the interest rate or the time period at least partially depends upon the characteristic of the credit card account or the characteristic of the credit card account at least partially depends upon the interest rate or the time period associated with the

non-credit card account, wherein the characteristic of the credit card account comprises a credit card usage requirement and the interest rate or the time period associated with the non-credit card account at least partially depends upon the credit card usage requirement,” as recited in the claim.

Indeed, on page 5 of the Office Action, the Examiner states that *Lent* and *Bank Rate Monitor* fails to teach or suggest “the characteristic of the credit card account comprises a credit card usage requirement and the interest rate or the time period associated with the non-credit card account at least partially depends upon the credit card usage requirement.” The Examiner attempts to cure the above deficiencies with *Winnett*, but *Winnett* merely discloses charging interest on a credit card from the day a transaction is made or making charges on the credit card for low usage. *Winnett*, at 2. *Winnett* fails to teach or suggest that “the interest rate or the time period associated with [a] non-credit card account at least partially depends upon the credit card usage requirement,” as recited in proposed claim 71.

The Examiner alleges, on pages 5 and 6 of the Office Action, that usage requirements are well known in determining credit card interest rates and fees. Yet, this position, which Applicants do not concede, does not demonstrate “generating a set of offers for a credit card account and a non-credit card account . . . the characteristic of the credit card account comprises a credit card usage requirement and the interest rate or the time period associated with the non-credit card account at least partially depends upon the credit card usage requirement.” For example, the Examiner does not demonstrate how one of ordinary skill in the art at the time of Applicants’ application would determine that a non-credit card account, which may include a CD account,

includes any usage requirements based on a credit card account. Indeed, nothing in the cited art teaches or suggests that the interest rate or the time period of a CD account would depend upon credit card usage requirements. Additionally, with respect to proposed claim 78, nothing in the cited art teaches or suggests that the interest rate or the time period of a non-credit card account, which may include a CD account, would depend upon a frequency of usage requirement, much less a frequency of credit card usage requirement. Consequently, the rejection of claims 71 and 78 under 35 U.S.C. § 103(a) is legally deficient and should be withdrawn.

Claims 82, 89, 93, and 95, while of different scope than claims 71 and 78, include similar recitations of those of amended claims 71 and 78. As explained, the cited art does not support the rejection of claims 71 and 78 and is legally deficient. Accordingly, for at least the same reasons set forth above for claims 71 and 78, the rejection of claims 82, 89, 93 and 95 should be withdrawn. Similarly, the rejection of dependent claims 72-76, 79-81, 83-87, 90-92, 94, and 96 should be withdrawn at least by virtue of their dependence upon allowable independent claims 71, 82, 93, or 95, in addition to the patentable subject matter recited therein.

NEW CLAIMS 97-100

New claims 97-100 are allowable at least by virtue of their dependence upon allowable base claims 71, 82, 93, or 95, in addition to the patentable subject matter recited therein. For example, *Lent*, *Bank Rate Monitor*, and *Winnett* do not teach or suggest, separately or in combination, “at least one offer includes a time period associated with a non-credit card account and the time period associated with the non-credit card account at least partially depends upon the credit card usage requirement,”

as recited in claims 97 and 98, or “at least one offer includes a term of deposit associated with a CD account and the term of deposit associated with the CD account at least partially depends upon the credit card usage requirement,” as recited in claims 99 and 100.

CONCLUSION

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner. The entering of this Amendment would allow the Applicants to reply to the final rejections in the last Office Action. Further, the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

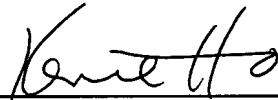
The preceding arguments are based in part on the arguments presented in the Office Action, and therefore may not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The pending claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 6, 2007

By: 
Kenie Ho
Reg. No. 51,808